IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2007

CORAM:

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P. No.3030 of 2004
AND
W.P.M.P. Nos.3567 and 3568 of 2004

R.Sunson Godfrey Gabriel ..Petitioner

Vs.

1. The Director
Directorate of School Education
College Road
Chennai 600 006.

2. The District Elementary Educational Officer
Primary and Middle School
Tirunelveli 1.

3. The Addl. Asst. Elementary Educational officer
Primary and Middle School
Palayankottai
Tirunelveli District.

4. The Correspondent
T.D.T.A. Middle & Primary Schools
Shanthi Nagar
Thirunelveli District.

(R4 amended as per order of this Court
dated 08.03.2004 in WPMP. No.4957/04) ..Respondents

Petition filed under Article 226 of the
Constitution of of India praying for the issuance of a writ
of mandamus as stated therein.

For petitioner : Mr.A.Nagarathinam

For Respondents : Mrs.Sanmugavalli Sekar, G.A.(Education) for RR1 to 3
No appearance for R4

O R D E R

In this writ petition, the petitioner has sought for a direction directing the second respondent to grant approval of the appointment of the petitioner who was appointed in the post of Secondary Grade Assistant with effect from the date of his appointment.

2.The affidavit filed in support of the petition is perused.

3.The Court heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

4.Concededly, the petitioner was appointed in the sanctioned post of Secondary Grade Assistant in a school under the management of fourth respondent before five or six years. Pursuant to his appointment, the fourth respondent management submitted a letter to the second respondent viz., the District Elementary Educational officer, Tirunelveli with a request to grant approval of his appointment in the

said post. The petitioner also made a representation to the second respondent for grant of approval. The third respondent after making due inspection of the school has also submitted a report stating that the petitioner was appointed in the sanctioned post and also recommended for approval of his appointment. The second respondent also made an inspection and also submitted a report recommending for approval of his appointment in the said post. Several representations have also been made by the petitioner to the first respondent, but inspite of the same, no action was taken to approve his appointment. Under such circumstances, the above writ petition has been brought forth for the relief as extracted above.

5.Learned counsel for the petitioner reiterated the same contentions before this Court as put forth in the affidavit.

6.The Court heard the learned counsel for the respondents.

7.The recommendations made by the second respondent to the first respondent was already placed before this Court in W.P.Nos.3026 to 3029 and 3031 of 2004. Thus, it could be seen that the recommendations have been made not only in respect of this petitioner, but also to number of persons

who are all appointed as Secondary Grade Assistants in different schools including that of the petitioner. It is also made clear that they were appointed against the sanctioned post. Since the fourth respondent has made a request and the third respondent has also made a recommendation and submitted a report to the second respondent, no impediment would be caused in issuing a direction to the second respondent for grant of approval. Under such circumstances, it would be quite necessary to issue a direction to the second respondent to grant approval in respect of the petitioner herein and pass orders for grant of approval of the appointment of the petitioner who is now working under the fourth respondent, management in the sanctioned post with effect from the date of his appointment, as expeditiously as possible, preferably within a period of ten weeks from the date of receipt of a copy of this order. Accordingly, it is ordered.

8.With the above observation, the writ petition is disposed of. No costs. Consequently, the connected WPMPs are closed.

nsv

To

1. The Director
Directorate of School Education

College Road
Chennai 600 006.

2. The District Elementary Educational Officer
Primary and Middle School
Tirunelveli 1.

3. The Additional Assistant Elementary Educational officer
Primary and Middle School
Palayankottai
Tirunelveli District.

4. The Correspondent
T.D.T.A. Middle & Primary Schools
Shanthi Nagar
Thirunelveli District.